

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

IN RE:

Edward John Ackley, Jr.
Donna Foltz Ackley

CASE NO. 24-10257

Debtors.

MOTION TO INCUR INDEBTEDNESS

COMES NOW the Debtors, by and through counsel, and move the Court for an Order authorizing them to incur indebtedness, namely a loan for the Debtors to purchase a motor vehicle. In support of this motion, the Debtors offer the following:

Motion To Incur Indebtedness:

1. The Debtors filed their Chapter 13 petition in this District on April 24, 2024, and, thereafter, the Debtors' Chapter 13 Plan was confirmed.

2. At the time of entering into the bankruptcy, the Debtors had two (2) vehicles, both of which are old and high mileage.

3. The Debtors' 1999 Dodge Ram 1500 has fallen into disrepair and is no longer able to be driven, leaving with Debtors with the 1995 Buick Oldsmobile for their transportation needs.

4. The Male Debtor has been diagnosed with dementia that has progressed very quickly requiring the Female Debtor to transport him to many doctor's appointments and a rehabilitation facility three (3) times per week.

5. The 1995 Buick Oldsmobile has become difficult for the Male Debtor, in his current medical situation, to get in and out of.

6. Due to the disrepair of the older vehicles and the Male Debtor's medical condition, the Debtors need another vehicle to meet their needs. The Debtors are not in a position to purchase said vehicle with cash and need to finance the vehicle loan.

7. The Debtors' income consists of Social Security Income, VA Compensation, and retirement income. Their income now is the exact same as it was at the commencement of their bankruptcy case. The Debtors' expenses also are the same as they were at the commencement of their case.

8. The Debtors' Schedules I and J show that they can afford the additional vehicle

loan payment.

9. The Debtors desire to purchase a vehicle for not more than twenty-five thousand dollars (\$25,000.00), at an interest rate of not more than twenty percent (20%), at a monthly payment of not more than \$550.00 and for a term of not more than seventy-two (72) months.

10. The proposed loan will not cause a detriment to any party, nor will it cause the Debtors to be unable to complete their plan. Upon information and belief, the Debtors are current in their plan payments.

Application For An Additional Attorney Fee

11. The Debtors' attorney is entitled to compensation for the preparation of this motion and representation of the Debtors at the hearing in the amount of \$450.00

WHEREFORE, the Debtors respectfully request the Court to enter an Order as following:

1. That the Debtors be granted authority to incur debt for the purchase of a motor vehicle;
2. That the Debtors' attorney be allowed an attorney fee in the amount of \$450.00 for services; and
3. For such other and further relief as the Court may deem just and proper.

This the 22nd day of November, 2024.

/s/ B. Peter Jarvis
B. Peter Jarvis
Attorney for Debtors
P.O. Box 4585
Archdale, NC 27263
(336) 431-9155

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CERTIFICATE OF SERVICE

I, B. Peter Jarvis, attorney hereby certifies that I have this date served the foregoing **MOTION TO INCUR INDEBTEDNESS**, by depositing a copy thereof in the United States Mail, Postage paid properly addressed to the following parties in interest, at their last known addresses as shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Bankruptcy Administrator (SENT ELECTRONICALLY)
101 South Edgeworth Street
Greensboro, NC 27401

Chapter 13 Office (SENT ELECTRONICALLY)
Anita Jo Kinlaw Troxler
500 West Friendly Ave Suite 200
Greensboro, NC 27401

This the 22nd day of November, 2024.

/s/ B. Peter Jarvis
B. Peter Jarvis
Attorney for Debtors
P.O. Box 4585
Archdale, NC 27263
(336) 431-9155